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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/001,464	10/31/2001	Michael J. Wolt	3000254-7031892001	1887
7590	08/11/2003			
Robert A. Schroeder BINGHAM MCCUTCHEN, LLP Three Embarcadero Center, Suite 1800 San Francisco, CA 94111-4067			EXAMINER 7 TRAN LIEN, THUY	
			ART UNIT 1761	PAPER NUMBER

DATE MAILED: 08/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



Claims 1-47 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In the amendment filed May 6, 2003, applicant amended claims 1 and 28 to include the limitation "the amounts of the grain/seed source of soluble fiber and the processed source of soluble fiber are selected to provide a low glycemic index". This limitation is not supported by the original disclosure. The specification discloses the glycemic index of the bread product. But, there is no disclosure of the correlation between the amounts of fiber selected and the glycemic index. There is no disclosure of selecting the amounts of soluble fibers to provide a low glycemic index.

Claims 1-47 are free of prior art because applicant's argument is found to be persuasive in that the prior art does not teach the limitation of "the amounts of the grain/seed source of soluble fiber and the processed source of soluble fiber are selected to provide a low glycemic index". There is no suggestion in the prior art to arrive at this limitation.

Applicant's arguments with respect to claims 1-47 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lien T Tran whose telephone number is 703-308-1868. The examiner can normally be reached on Wed-Fri. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9310.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

August 7, 2003

  
LIEN TRAN  
PRIMARY EXAMINER  
Group 1702